

Appl. No. 10/031,740

Amendment dated March 24, 2004

Reply to Non-Final Office Action of September 24, 2003

REMARKS

Status of claims:

For the convenience of the Examiner, the following is a summary of the status of the independent claims and their respective dependent claims after entering the foregoing amendment.

Claim 13: Composition in which components (i), (ii) and the indole component of (iii) have been deleted from substituent Y of formula (I).

Claims 14-15 and 17-25 depend therefrom.

Claim 33: Composition derived from original claim 13 from which component (iii) has been deleted from substituent Y of formula (I) plus an oxidizing agent.

Claims 34-40 depend therefrom.

Claim 31: Method of coloring keratin fibers incorporating the subject matter of original claim 28.

Claims 29 and 30 depend therefrom.

Claim 32: Method of coloring human skin incorporating the subject matter of original claim 28.

Claims 41 and 42 depend therefrom.

Claims 43-49: Independent compound claims directed to the individual hybrid dyes from the synthesis examples of the specification.

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Rejections under 35 USC 102:

Claims 13 and 23 to 30 stand rejected under 35 USC 102(b) as being anticipated by Sheperdson et al. (U.S. 1,898,693) or Kalischer et al. (U.S. 1,957,599). Further, claims 13 and 23 to 30 are rejected under 35 USC 102(b) in view of McNally et al. (U.S. 2,311,065). Applicants respectfully submit that this rejection may be withdrawn in view of the foregoing amendment. Claim 13, as amended, now claims a hybrid dye of formula (I) wherein X is a group derived from a substantive dye and Y is limited to a derivative of an indoline. None of the cited references disclose a compound made from such substituents.

Claim 33 recites compositions of formula (I) from original claim 13 plus oxidizing agents. Support for this amendment may be found in the paragraph bridging pages 36 and 37. The combination of the hybrid dye of formula (I) plus oxidizing agents is neither disclosed nor suggested by any of the cited references.

Rejections under 35 USC 103:

Claims 13 and 23 to 30 are rejected under 35 USC 103(a) as being unpatentable over Sheperdson et al. ('693) or Kalischer et al. ('599). Additionally, these claims are rejected under section 103(a) in view of McNally et al. ('065). Applicants respectfully request the withdrawal of the aforesaid grounds of rejection in view of the amendments made herein to the pending claims. It is believed that these amendments now render moot the subject rejections.

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CONCLUSION

Applicants believe that the foregoing amendments to the pending claims now set forth patentable subject matter. Accordingly, they kindly request the issuance of a notice of allowability. Applicants further ask for extension of the period for response to be extended 3 months to March 24, 2004 and authorize a charge to Deposit Account No. 01-1250 in the amount of \$950 for the extension fee. Order No. 04-0097. Should any fees be due for entry and consideration of this Amendment that have not been accounted for, the Commissioner is authorized to charge them to Deposit Account No. 01-1250.

Respectfully submitted,



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